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ABSTRACT

This document focuses on the requirements of the immigrant amnesty process, which were established by the Immigration Reform and Control Act (IRCA) of 1986. Sections focus on the following questions: (1) How can eligible legalized aliens (ELA) fulfill the IRCA educational requirements? (2) What issues are considered in designing and offering an amnesty course? (3) Are there alternatives to the certificate of satisfactory pursuit? (4) What do the Immigration and Naturalization Service tests contain and how are they administered? (5) Are ELAs remaining in English classes once they have met the IRCA requirements? and (6) Where can I get more information on IRCA and amnesty literacy? (VWL)

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Q&A

English Language Literacy and Other Requirements of the Amnesty Program

Prepared by Dennis Terdy, Illinois ESL Adult Education Service Center, and David Spener, National Clearinghouse on Literacy Education

June 1990

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In 1986, Congress passed and the President signed into law the Immigration Reform and Control Act (IRCA). The IRCA legislation established procedures by which undocumented immigrants who had resided in the United States continuously since before January 1, 1982, could become legal permanent residents of the United States. These procedures, also known as the legalization or amnesty process, consist of two phases. During Phase I, from May 5, 1987, to May 4, 1988, applicants were granted temporary legal residence by the Immigration and Naturalization Service (INS); this temporary legal residence period was not to exceed 18 months. Approximately 3.1 million persons applied (CASAS, 1989). Those persons granted temporary legal residence were designated by the INS as Eligible Legalized Aliens (ELAs). During Phase II of the legalization process (from November 7, 1988, to November 1990), ELAs were given one year beyond the end of their 18-month period of temporary legal residence to apply for legal permanent residence. Legal permanent residence would only be granted to those ELAs demonstrating *progress* in acquiring knowledge of U.S. history and civics and competence in basic English literacy. ELAs who are under 16 years of age, over 65 years of age, or who are at least 50 years of age and who have lived in the United States for at least 20 years are exempt from demonstrating this competence. Also exempt are Legalized Seasonal Agricultural Workers (SAWs), who may enroll in INS-approved citizenship courses but are not required to demonstrate English or U.S. history and civics competence.

A critical problem facing many ELAs has been a lack of literacy skills in English. In California, where an estimated 1.6 million ELAs live (the largest number in the country), 85 percent of ELAs assessed with the state's IRCA Pre-Enrollment Appraisal instrument were shown to lack minimal competence in English in everyday tasks such as "using the telephone, interpreting clock time, and following simple directions." In addition, this same 85 percent "would experience difficulty reading basic warning or safety signs, or filling out a simple job application" (CASAS, 1990, p. 47). The subject of this paper is how ELAs can demonstrate their English and U.S. "cultural" literacy and how educators can structure programs to help their students meet IRCA's Phase II educational requirements.

How Can ELAs Fulfill the IRCA Educational Requirements?

A large number of local educational institutions, both public and private, have been funded under the State Legalization Impact Assistance Grants (SLIAG) program to offer courses to ELAs who seek to fulfill Phase II educational requirements. Instruction in INS-approved courses must provide students with an introduction to U.S. history and civics and with a basic understanding of spoken and written English. The INS has set no minimum standards for English oral proficiency or literacy or for U.S. cultural literacy for ELAs seeking legal permanent residence. It has merely said that ELAs must show evidence of progress in these subjects. A Certificate of Satisfactory Pursuit is awarded to ELAs who have completed 40 hours of instruction of an INS-approved 60 hour course. Teachers of these courses must document student attendance and evaluate the students' progress. Dated and documented evidence of the students' progress must be kept on file (Huss, in press; Office of Legalization, 1989).

Providers of INS-approved amnesty courses are required to design and follow a curriculum for U.S. history and civics that is based on the content of the Federal Citizenship Text Series (United States Department of Justice Immigration and Naturalization Service, 1987). INS officials have stressed that an emphasis on life skills incorporating basic information about the United States is the most appropriate approach for beginning levels. The 1987 editions of the Federal Citizenship Text Series were written in English in two sets: one at a fourth- to sixth-grade reading level, and the other at an eighth- to tenth-grade reading level. As the IRCA legislation was being drafted, however, educators pointed out to members of Congress that even the fourth- to sixth-grade level version was too difficult for the majority of their ELA students to use effectively because they were English as a second language (ESL) learners. In response, INS contracted the Center for Applied Linguistics (CAL) to recast the material covered in the Federal Citizenship Text Series into three interactive, intermediate texts to be used by ESL students enrolled in Phase II amnesty classes. These new texts, *Of the People. . .*, *By the People. . .*, and *For the People. . .* (Short, Seufert-Bosco, & Grognet, Eds., 1989), became available through the U.S. Government Printing Office in September 1989.

What Issues Are Considered in Designing and Offering an Amnesty Course?

Program Structure

Since the beginning of the amnesty process, program administrators and teachers have been struggling to design both programs and curricula to teach U.S. history and civics and English language and literacy to their ELA students. Which aspects of civics and U.S. history are appropriate to teach? What should be the ratio of civics and U.S. history to English? Should courses be taught in English or in the students' native language? To what degree should the students be allowed to determine what is taught and how?

The law does not specify an ESL to civics ratio. As long as some civics is covered in the curriculum, the requirements of the law are being met. Programs often tailor the amount of English instruction to students' level of English language proficiency. More emphasis is placed on English instruction and life skills in lower levels, while civics instruction plays a greater role in higher level classes.

Program design may call for two separate curricula for English and civics or for one combined curriculum. The ESL and civics content may be taught in one integrated class period or in two separate classes, one for ESL and one for civics. One teacher may be responsible for both areas or there may be different teachers for ESL and civics. In schools with few ELAs, students may be enrolled in regular ESL classes and pulled out for civics, or civics may be added as a separate component of the regular class.

Approaches to Teaching U.S. History and Civics

There is no "correct" or government-required approach to teaching civics. Program administrators and teachers must consider the characteristics of their student population, their resources, and the particular needs of their students. There are various approaches to teaching civics in ESL amnesty courses. The competency-based approach emphasizes practical skills and knowledge: map reading, knowledge of traffic laws, understanding of emergency procedures (in the event of fire, crime, medical crisis), and access to community services.

The more traditional, factual approach to history and civics is supported by educators who point out that students who apply for citizenship must pass a test containing many factual questions about the United States. These educators also note that learning about their new country gives adult immigrants something in common with their increasingly "Americanized" children, who study U.S. history and civics in school. This can help to reinforce the bond between children and parents, and between parents and their children's schools.

Some amnesty programs stress "empowerment"--the involvement of students as active participants in their own education. Rather than transmitting factual information uncritically, these programs encourage students to develop a personal understanding of U.S. history and government as it relates to their own lives (Immigration Reform Language Issues Network, 1989).

Language of Instruction

Teachers are divided over the use of students' native languages in civics classes. Many providers of SLIAG educational programs have found that a large percentage of their adult students are limited both in their ability to read and write their native language and in their comprehension of spoken English. Providing civics instruction in English may, therefore, be an unproductive "pro forma" gesture; students and teachers in some programs have complained that students are unable to understand the abstract concepts of history and government when they are taught only in English. The use of the native language in these situations may best serve the instructional goal of teaching civics content. In addition, native language literacy skills may be taught in conjunction with the civics content.

Other programs offering amnesty classes see the study of U.S. civics and history in English as a way of furthering students' English development, borrowing from English-through-content-area strategies used with minority language children in the public schools (Short, Crandall, & Christian, 1989).

Are There Alternatives to the Certificate of Satisfactory Pursuit?

The INS accepts presentation of any one of the following as proof of competence in English and knowledge of U.S. civics and history:

- A high school diploma awarded in the United States;
- A General Equivalency Diploma (GED), with completion of the English proficiency section if the GED was not taken in English;
- Documentation of one year of full-time study in a state-accredited elementary, secondary, or postsecondary educational institution, if study included at least 40 hours of U.S. civics and history and English;
- Satisfactory completion of the INS Section 312 Citizenship Test (including an oral interview in English);
- Satisfactory completion of the English and Citizenship Test, a 20-question multiple-choice test in English on U.S. civics and history, developed by the Educational Testing Service (ETS);
- Satisfactory completion of the Immigration Reform and Control Act Test for Permanent Residency developed by the Comprehensive Adult Student Assessment System (CASAS) for the INS.

What Do The INS Tests Contain and How Are They Administered?

The INS Section 312 Citizenship Test and the English and Citizenship Test have been compiled from a list of "One Hundred Standardized Questions," which is available from the INS and many Qualified Designated Entities (QDEs). This list was developed from the Federal Citizenship Text Series. The text series is available from the U.S. Government Printing Office (see references below). The Immigration Reform and Control Act Test for Permanent Residency is not based on the list of One Hundred Standardized Questions but, instead, draws its testing matter from more general life skills. To help immigrants prepare for the test, the INS has published a study guide that is free to applicants and may be requested from the INS, or from participating schools, QDEs, or community-based organizations (CBOs).

The Section 312 Citizenship Test

The INS Section 312 Citizenship Test satisfies the educational requirements for both permanent residency and eventual citizenship. In this test, administered at a local INS office by an INS examiner, the applicant is required to answer correctly six of ten oral questions, read one of three statements aloud, and write one of three dictated sentences. Through brief

conversation, the examiner also judges the applicant's knowledge of "ordinary" English. This interview takes approximately ten minutes. According to George Apkarian of the INS Western Regional Office of Outreach, between 28 and 30 percent of ELAs choose to fulfill the educational requirements of IRCA by taking the INS Section 312 Citizenship Test. Applicants who fail this exam may retake it after a waiting period of six months.

The English and Citizenship Test

The English and Citizenship Test, developed for INS by ETS, also fulfills the educational requirements for both permanent residency and eventual citizenship. It is administered at 175 sites nationwide by local agencies of the United States Catholic Conference, the American Council of Nationalities Services, and the American Farmworker Opportunity Program. Information on where the test may be taken in a given area is available from a toll-free hot line run by the National Association of Latino Appointed and Elected Officials (in California, 800-346-2536; for all other states, 800-446-2536).

To pass the half hour English and Citizenship Test, applicants must answer correctly 12 of 20 multiple-choice questions. Applicants who fail to answer 12 questions correctly may take another form of the test immediately. If on the administration of the second test, they answer enough questions correctly to have answered 20 of a total of 40 questions correctly on both administrations, they pass. One short English sentence also must be written correctly for each administration. Study booklets are available from local agencies administering the exam. Official notice of test results is sent to both the INS and the applicant. Those who do not pass may retake the test after one month. According to the INS, one to two percent of IRCA applicants are satisfying Phase II educational requirements by taking the English and Citizenship Test developed by ETS. (G. Apkarian, INS Western Regional Office of Outreach, personal communication, April 5, 1990.)

The IRCA Test for Permanent Residency

Another written testing option is the Immigration Reform and Control Act Test for Permanent Residency, which was developed for INS by CASAS and field-tested in California. INS has since approved the test for use in all states. The test is administered by the staff of QDEs that have made arrangements with INS to guarantee the integrity of the test's administration and the reporting of its results. The 15-item multiple-choice test is presented on videotape. Examinees are expected to answer nine of the fifteen questions correctly. A passing score on this test satisfies the educational component for permanent residence only, not citizenship. The test may be taken more than once, and there is no waiting period to retake the test.

Are ELAs Remaining in English Classes Once They Have Met the IRCA Requirements?

At the outset of Phase II, program administrators had difficulty hiring enough instructors and securing sufficient classrooms to handle the enormous surge of students. By January 1990, a new problem was surfacing for many SLIAG program administrators. After completing 40 hours of instruction and receiving their Certificates of Satisfactory Pursuit, students began to drop out of classes in large numbers. In fact, in some states, enrollments in SLIAG-funded courses began to decline by as much as 30 to 40 percent. Language educators know that 40 hours of ESL instruction for an adult who has limited ability in speaking or writing English and who may not be literate in his or her native language is only a very small beginning step to English language and literacy proficiency.

Each state has been making creative efforts to maintain and increase its ELA student population. Funding of courses has been made more flexible. Whereas SLIAG funds were once available on an hours-of-instruction-per-student basis only, organizations can now apply those funds to ELA students enrolled in any educational program currently funded under the Adult Education Act. Such programs might include ESL, ABE, and GED and other nonvocational courses. Others might be consumer-oriented short courses such as buying a car or house and preparing taxes. In addition, some states are making further funding available through the SLIAG program for student recruitment and retention activities. One innovative use of funds is the coordination of noninstructional support services funded by SLIAG, such as child-care and transportation reimbursements, with other grant-funded programs.

Obtaining the support and endorsement of the employers of ELAs is another way educators may motivate their ELA students to continue their education. This can be particularly helpful because many students work overtime and feel pressured to return to work as quickly as possible after completing their 40 hours. To combat this problem, some programs regularly ask students at the time of registration to identify their employers. These programs then contact the companies with information about classes that would benefit other nonnative-English-speaking employees. Employer support of ELA employees continuing to study beyond the minimum 40 hours has proven to be of great help in retention (Wrigley & Brady, 1989).

To encourage amnesty applicants to remain in ESL classes beyond 40 hours, programs are also expanding their course offerings. Reading, writing, and vocabulary classes are popular, as are classes in basic mathematics and job skills readiness. Native language literacy and Spanish GED options are increasing in both popularity and availability.

Where Can I Get More Information on IRCA and Amnesty Literacy?

There are several toll-free numbers for current information on Phase I and II of the amnesty process:

The INS runs a nationwide toll-free hot line, 800-777-7700, providing information on eligibility and application for amnesty and legal permanent residence under IRCA.

The National Association of Latino Elected and Appointed Officials (NALEO) also runs an IRCA information hot line that provides information on all aspects of the legalization process including testing sites and course locations. In California, the number is 800-346-2536; for all other states, it is 800-446-2536.

The Contact Literacy Center in Lincoln, NE, runs a national hot line that refers amnesty students to INS-approved classes; the number is 800-842-2924. .

The IRCA/immigration hot line for the state of New York is run by the Metropolitan Assistance Corporation at 800-232-0212. This number can be used only within New York state.

The amnesty hot line for the state of Illinois is 800-237-1405, located at the Northwest Educational Cooperative in Des

Plaines. This hot line provides referral information for INS-approved courses in Illinois only.

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